.

The Petitioners requested a variate to permit an open carport attached to the main building to have a setback of 2 feet in lieu of the required 7.5 feet in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued July 25, 1989, Petitioners were denied the relief requested as a result of opposition by the Department of Environmental Protection and Resource Management (DEPRM);

WHEREAS, as a result of further discussions between DEPRM and Petitioners, an agreement was reached by both parties wherein Petitioners agreed to certain terms and conditions imposed by DEPRM;

WHEREAS, DEPRM is now in favor of granting the relief requested, subject to restrictions as set forth in their supplemental comments dated July 24, 1989, received in the Office of Zoning on August 16, 1989, and a request for reconsideration of the above-captioned matter was made by DEPRM on behalf of the Petitioners;

I'T, IS ORDERED by the Zoning Commissioner for Baltimore County this $\mathcal{O}/\mathcal{O}_{\text{day}}^{0}$ of August, 1989 that the Order issued July 25, 1989 be and the same is hereby AMENDED and the relief requested in the Petition for Zoning Variance an open carport attached to the main building to have a setback of 2 feet in lieu of the required 7.5 feet, in accordance with

Be consistent with established land use policies

for development in the Chesapeake Bay Critical Area

which accommodate growth and also address the fact

that, even if pollution is controlled, the number,

movement, and activities of persons in that area can

ment is opposed to granting the relief requested due to a finding that the

total impervious area of the subject property is 30%, where the sum of all

man-made impervious areas shall not exceed 15% of a property located with-

in the Critical Areas. These recommendations have been attached hereto

and will become a permanent part of the decision rendered in this case. As

a result of their findings, the relief requested is not in compliance with

the Chesapeake Bay Critical Areas legislation and therefore must be denied.

public hearing on this Petition held, and for the reasons given above, the

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS ORDERED by the Zoning Commissioner for

The Department of Environmental Protection and Resource Manage-

create adverse environmental impacts.

Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief grant-

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall complete all improvements and/or corrections to existing improvements within 365 days of the date of this Order, unless an extension of time is granted for good cause. Petitioners shall provide written notification to the Zoning Commissioner's Office within thirty (30) days of the date of completion that the subject property is in compliance with the terms and conditions of the requirements set forth in the comments submitted by DEPRM and the restrictions imposed by this Order.

 Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 24, 1989, attached hereto and made a part hereof

- 2-

Baltimore County

cc: Mr. & Mrs. Frederick Fleishmann, III 219 Helena Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission Tawes State Office Bldg., D-4, Annapolis, Md. 21404 DEPRM; People's Counsel; File

BALTIMORE COUNTY, MARYLANJUN 22 1989

INTER-OFFICE CORRESPONDENCE ZONING OFFICE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: June 12, 1989

89-522-4

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 396 Fleischman III Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 219 Helena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area, (LDA).

APPLICANT PROPOSAL

The applicant has requested a variance from section 301.1 of the Baltimore County Zoning Regulations to allow an open carport attached to the main building to have a setback of 2 feet in lieu of the minimum required 7.5 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<comar 14.15.10.01. 0>

Memo to Mr. J. Robert Haines June 12, 1989

IN RE: PETITION FOR ZONING VARIANCE

Middleborough Road

Petitioners

(219 Helena Avenue)

15th Election District

5th Councilmanic District

Frederick Fleishmann, III, et ux

E/S Helena Avenue, 150' N of

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-522-A

* * * * * * * * * * *

The Petitioners herein request a variance to permit an open car-

The Petitioners appeared and testified. There were no Protes-

Testimony indicated that the subject property, known as 219 Hele-

After due consideration of the testimony and evidence presented,

FINDINGS OF FACT AND CONCLUSIONS OF LAW

port attached to the main building to have a setback of 2 feet in lieu of

na Avenue, consists of .16 acres more or less zoned D.R. 5.5 and is locat-

ed within the Chesapeake Bay Critical Areas. Petitioners propose con-

structing an open carport on the south side of the existing dwelling to

provide shade and protection for the family vehicles. There was no fur-

in the opinion of the Zoning Commissioner, there was insufficient evidence

to support a finding that the relief requested sufficiently complies with

the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore

County Zoning Regulations (B.C.Z.R.) and should therefore be granted.

There was no testimony or evidence presented to support the relief request-

ed other than as a matter of preference. In the opinion of the Zoning

Commissioner, strict compliance with the B.C.Z.R. would not result in

practical difficulty and/or unreasonable hardship upon the Petitioner.

ther testimony or evidence presented to support the requested variance.

the required 7.5 feet in accordance with Petitioner's Exhibit 1.

CONCLUSION

Page 3

This project does not meet the requirements of the Chesapeake Bay Critical Area Law and therefore cannot be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

> Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz

The burden of proof is upon the Petitioners to introduce facts and evidence which would establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.k. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. Further, testimony must be presented evidencing that the granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is based upon conditions or circumstances which are the result of the Petitioner's actions, and does not arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is not in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and does not Conform to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

> > - 2-

2) Conserve fish, wildlife, and plant habitat; and

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 25, 1989

Mr. & Mrs. Frederick R. Fleischmann, III 219 Helena Avenue Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE E/S Helena Avenue, 150' N of Middleborough Road (219 Helena Avenue) 15th Election District - 5th Councilmanic District Frederick R. Fleischmann, III, et ux - Petitioners Case No. 89-522-A

Dear Mr. & Mrs. Fleischmann:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours, J. Robert Haires . ROBERT HAINES /Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4

Annapolis, Md. 21404

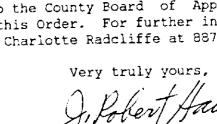
DEPRM People's Counsel

Baltimore County this 15th day of July, 1989 that the Petition for Zoning Variance to permit an open carport attached to 'he main building to have a setback of 2 feet in lieu of the required 7.5 feet in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

relief requested should be denied.

Zoning Commissioner for

Baltimore County



of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) us wants like THIS CARPORT MOSTLY FOR SHAPE INTIHS SHIMINER TIME. CUR SHADE FROM FIDE. 30' TRES WERE CONT Down First YEAR. THE TREES WERE DASTINSIDE IN NOIGHISORE I'M, REETY LINE. They HAD The TREES CUT DOWN FRE

Property is to be posted and advertised as prescribe by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. AP NE1-I Contract Purchaser: REDERIK ROLAND FLEISCHMANN TI LINDA MAPRIE FLEUCHMANN City and State Attorney for Petitioner: 219 HalenA Bo 391-327? BATTIME MANLOND 21721 Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted Louis G. Sithessee JR

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of ______, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 22nd day of June , 1989, at 9:30 o'clock

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

May 15, 1989

NOTICE OF HEARING

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson. Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-522-A E/S Helena Avenue, 150' N of Middleborough Road 15'h Election District - 5th Councilmanic Petivioner(s): Frederick Roland Fleischmann, III, et ux HEARING SCHEDULED: THRUSDAY, JUNE 22, 1989 at 9:30 a.m.

Variance: To permit an open carport attached to the main building to have a setback of 2 feet in lieu of the mimimum required 7.5 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Fleischmann Louis G. Schiesser File

Janua VARIANCE FOR 219 HELENA AJE

ZONING DESCRIPTION,

BEGINNING ON THE EAST SIDE OF HELENIA FUE, 30' WIDE, AT THE DISTANCE OF 150' NORTH OF MIDDLE BORINGH ROAD. Bainc LOT # 7 IN THE PLAT OF HELENA, PLAT BOOK 8-28 ALSO KNOWN AS # 219 HELENNIAUS INTHE 15Th DISTRICT.

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

442 Eastern Blvd.

THIS IS TO CERTIFY, that the annexed advertisement of

Frederick Roland Fleischmann, III, Et Ux in the matter of Petition for Zoning Variance E/S Helena Avenue, 150'N of Middleborough Road Case Number 89-522-A, P.O. #12578 Req# M30912 80.5 Lines at .55 or \$44.27

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one successive week(s) before the 26th day of May 19 89; that is to say, the same was inserted in the issues of $5/25 = 19_89$.

The Avenue Inc.

will hold a public hearing the property identified here Office Building, located at 1 W. Chesapeake Avenue owson, Maryland as follow Petition of Zoning Variance
Case Number:89-522-A E/S Heiena Avenue, 150' N Middleborough Road 219 Helena Road 15th Election District -5th Councilmanic etitioner(s): Frederick Rolan Fleischmann, Ill, et ux HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m. farlance: To permit on o in carport attached to the main building to have a set minimum required 7.5 ft. in the event that this Petition is granted, a building permit may be issued within the thirty [30] day oppeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance

of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the . ROBERT HAINES

CERTIFICATE OF POSTING

Petitioner: Fredrich Roland Fleisch may II, tus Location of property: E/S Holono Are, 10' N/Miodlob oraugh ild. Location of Signer Fecting Holoma Are Grove 5' For you dwift

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jane 2 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.

THE JEFFERSONIAN.

89-521-12

ca 89-522-A price \$ 39.40

Baltimore County

J. Robert Haines

219 Helena Road

BALTIMORE COUNTY, MARYLAND

NISCELLANEOUS CASH RECEIPT

CFFICE OF FINANCE - REVENUE DIVISION

Zoning Commissioner
Office of Planning & Zoning

Mr. & Mrs. Frederick Roland Fleischmann, III

Petition for Zoning Variance

E/S Helena Avenue, 150' N of Middleborough Road

Petitioner(s): Frederick Roland Fleischmann, III, et ux

HEARING SCHEDULED: THRUSDAY, JUNE 22, 1989 at 9:30 a.m.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

Please make your check payable to Baltimore County, Maryland and bring

Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

KA1-615-000

it along with the sign(s) and post(s) to the Zoning Office, County Office

15th Election District - 5th Councilmanic

CASE NUMBER: 89-522-A

Towson, Maryland 21204

Blatimore, Maryland 21221

ZUMINS ADVISORY HEARING COUNTRY OFFICE OF PLANHING HEARING 474759

6-9-89

d post set(s), there

r each set not

y Case # 87-16 5FH ITEN # 395

B B 1 Tonnership 11

The site is located in the Historic District of Glyndon. The construction plans for this dwelling were reviewed by the Landwarks Proscryation Commission and were found to be compatible with the sum conding area. tere here by John McGrain, duted May 12. 1988 and July 15, 1983.

Cago # 87-397 SPH ITE:1 # 295

OPZ does not support or oppose (etc.)

Case # 89-399

DPZ dues not support or oppose this request, were entered recommend that it the obsumes is granted that is no resourced to be designed in sect a way as to be consectable cubic toe existing house and community.

Case # 89-399-A I1EH # 320

NO COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave Towson, Maryland 2120

Dennis F. Rasmusser

Mr. J. Robert Haines Zoning Commissioner County Office Building

Baltimore County Department of Public Works Bureau of Traffic Engineering

Courts Building, Suite 405

Towson, Maryland 21204 (301) 887-3554

Towson, Maryland 21204

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398.

April 25, 1989

Very truly yours, Thurland Stlengin Michael S. Flanigan Traffic Engineer Associate II

89-522-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of <u>April</u>, 1959.

Frederick R. Fielschann Petitioner Petitioner's Attorney

Chairman, Zoning Plans Advisory Committee

June 7, 1989 Mr. & Mrs. Frederick Fleischmann, III

219 Helena Road

Baltimore, MD 21221 RE: Item No. 396, Case No. 89-522-A

the Zoning Act and Regulations of Baltimore County will hold a

Case number: 89-522-A
5/S Helena Avenue, 150' N of
...liddleborough Road, 219
Helena Road
15th Election District

Petitioner(s): Frederick Roland

Hearing Late: Thursday, June 22, 1989 at 9:30 a.m.

building to have a setback of 2 feet in lieu of the minimum re-

quired 7.5 ft. In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is-

suance of said permit during the

period for good cause shown. Such request must be in writing

and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

State Roads Commission Bureau of Health Department Project Planning Building Department

Board of Education Zoning Administration Industrial

Dear Mr. Fleischmann: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Petition for Zoning Variance

Petitioner: Frederick R. Fleischmann, et ux

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Games E. N'yer/ja JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:j₩ Enclosures

> cc: Mr. Louis G. Schiesser, Jr. 232B Martin Drive Baltimore, MD 21221

APR O 3 1989

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, :10 21204

Dennis F. Rasmussen Re: Property Owner: Frederick Roland Fleischmann, III, et ux

Location: E.S. Helena Ave., 159° N of 'iddleborough Rd.

Item No.: 396

Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Memo to Mr. J. Robert Haines July 24, 1989

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above. Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved. Please contact Mr. David Flowers at 887-3980 if you require additional information.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for April 4, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 274, 359, 383, 389, 392, 393, 394, 395, 396, and 398. Comments are attached for Items 384 and

Developers Engineering Division

RWB: B

Encls.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 31, 1989 Mr. J. Robert Haines

Mr. David C. Flowers

SUBJECT: Fleischman III property

Please find enclosed a revised finding pertaining to Mr. and Mrs. Fleischman's property. Additional information submitted after the hearing has indicated that no increase in impervious surfaces will be created. The applicants have met with me and agree to comply with all other critical area requirements. If there are further questions please contact myself or Nancy Sanford at ext. 3980.

NSS:ju

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 24, 1989 TO: Mr. J. Robert Haines

Zoning Commissioner

SUBJECT: Petition for Zoning Variance - Item 396 Fleischman property

FROM: Mr. Robert W. Sheesley Chesapeake Bay Critical Area Findings ZOWING OFFICE

SITE LOCATION

The subject property is located at 219 Helena road. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. and Mrs. Frederick Fleischman

APPLICANT PROPOSAL

The applicant has requested a variance from section 301.1 of the Baltimore County Zoning Regulations to allow a patio roof attached to the main building to have a setback of 2 feet in lieu of the minimum required 7.5 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Petitioner requests a variance to allow a side yard setback for a

carport of 2 feet in lieu of the required 7.5 feet. In reference to this

DATE: May 31, 1989

ZONING OFFICE

 Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

TO: J. Robert Haines

Case No. 89-522-A

a:62289.txt Pg.3

Item No. 396

Zoning Commissioner

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

Re: Frederick R. Fleischmann, III. et ux

request, staff offers no commen...

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Memo to Mr. J. Robert Haines July 24, 1989

Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed construction will not increase the total sum of impervious surfaces. However, the property has existing impervious surfaces that sum to 30% of the lot and therefore any future projects that increase this sum will not be approved.

2. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Sec. 22-217(a)2>.

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached information).

3. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

4. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This propoerty is located approximately 200 feet from Hopkins Creek, and therefore is in compliance with the regulation stated above.

7. Regulation: "If no forest or developed woodland exists on a developed site these sites shall be planted to provide forest or developed woodland cover of at least 15%" (COMAR 14.15.02.04 C.(5)).

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: three items - ball and burlap or 2 gallon container size

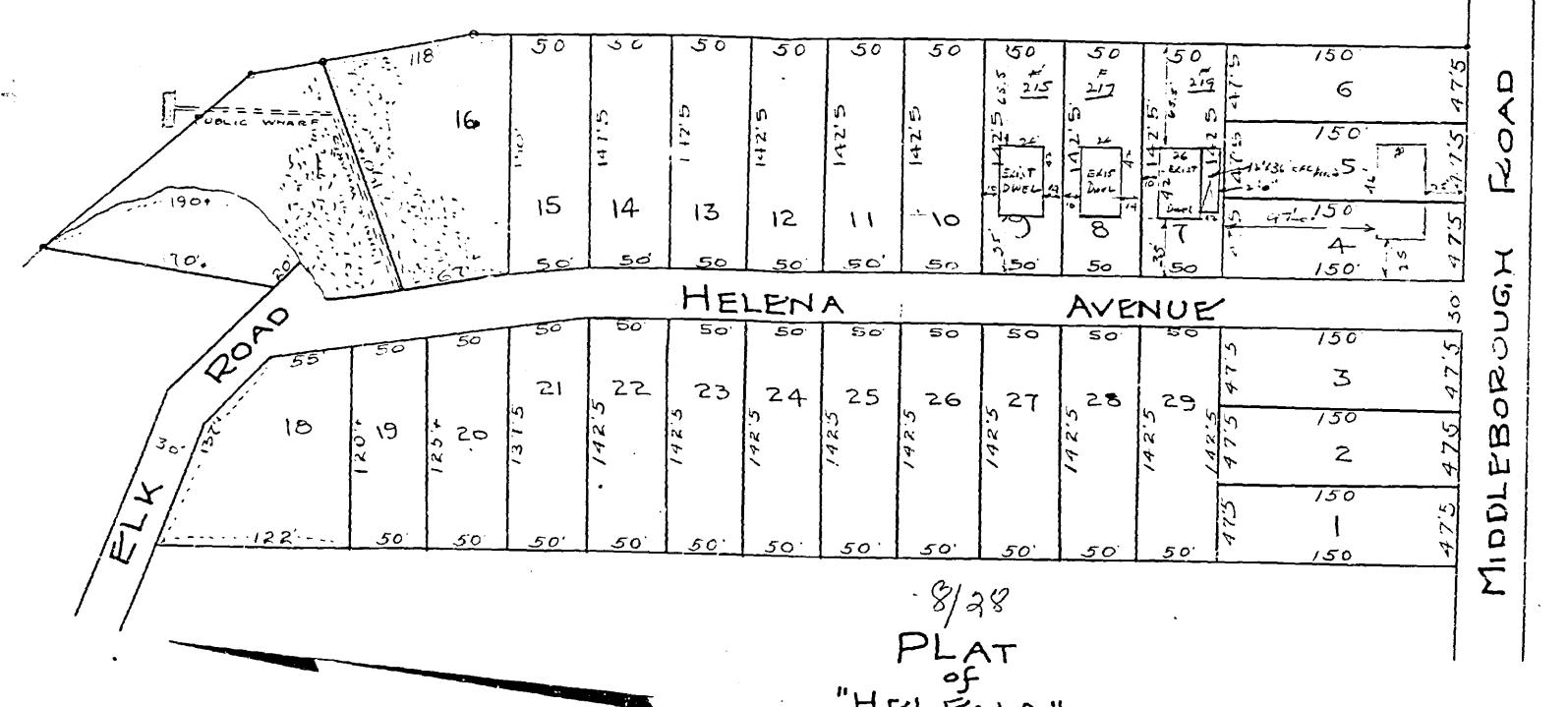
219 Helena Road Baltimore, MD 21221 August 18, 1989

J. Robert Haines, Zoning Commissioner Office of Planning and Zoning 111 W. Chesapeake Ave., Room #109 Towson, MD 21204

Dear Mr. Haines,

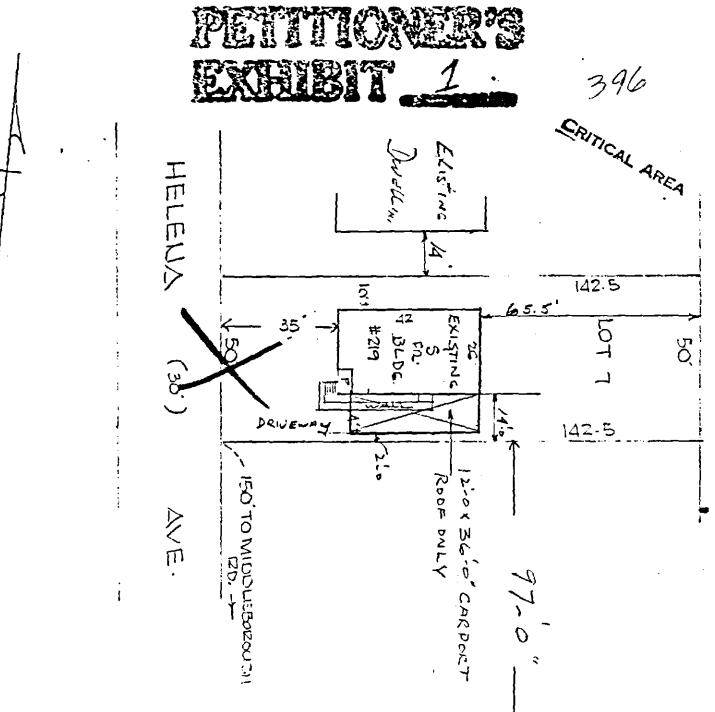
I am writing to you requesting a motion for reconsideration of your decision rendered July 25, 1989 on my petition for soming variance, case number 89 522 A. This request is based on comments from Robert Sheesley, Director of Environmental Protection and Resource Management, addressed to you on July 24, 1989. Thank you in advance for your prompt attention to this matter.

> Sincerely, Kreelenek & Clerchmann Frederick R Fleischmann



Received for Record November 13, 1925-49 PM.

"HELENA" Lot No 98 of MIDDLEBOROUGH TOWSON, MD. Sept. 1923 Scale-linch: Sofeet
Beni C. Green
Surveyor & inis is to certify that I have surveyed the premises known as No. 119 Helena Avenue for the purpose of locating the improvements and the improvements are located as hereon shown.



FLAT FOR ZONING VARIANCE LOT 7 PLAT OF

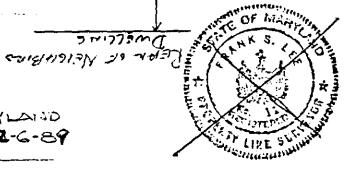
HELENA PLAT BOOK 8-28

15TH DISTRICT BALTIMORE CO, MARYLAND SCALE: - 1' = 30'
LIT SIZE 7125,0 SGFT . 162 ACRES

OWNER: FREDERKK & LINDA FLEISCHMANN

ZONED DR 5.5

Utilities IN PLACE ON HELENA AVE



FRANK S. LIE 1277 NEIGHBORS AVE B-LTHORF MD. 01237